

Message Text

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PAGE 01 STATE 000802
ORIGIN TRSE-00

INFO OCT-01 IO-13 ISO-00 EB-07 STR-04 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15
ITC-01 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 OIC-02
AF-08 ARA-06 EA-07 EUR-12 NEA-10 /132 R

DRAFTED BY TREAS:LPOTTS:JH
APPROVED BY EB/OT/STA:JSSPIRO
EB/OT/STA:MCJONES
STR:HLAWRENCE
EB/OT/GCP:SLYNN (INFO)
-----041830Z 069839 /47

P R 041748Z JAN 77
FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: GATT ANTIDUMPING COMMITTEE -- U.S. COMMENTS ON
REVISED INVENTORY

SUMMARY: FOLLOWING ARE THE U.S. COMMENTS ON THE REVISED
INVENTORY OF PROBLEMS AND ISSUES ARISING UNDER THE ANTI-
DUMPING CODE (COM.AD/W/56) WHICH ARE DIVIDED INTO TWO
SECTIONS. THE FIRST SECTION LISTS THE TECHNICAL CHANGES
THAT WE WOULD LIKE TO HAVE MADE IN THE TEXT OF THE REVISED
INVENTORY. THE SECOND SECTION LISTS THE MOST IMPORTANT
ADDITIONAL AREAS WHICH THE U.S. BELIEVES SHOULD BE DISCUSSED
WITHIN THE COMMITTEE. MISSION IS REQUESTED TO CONVEY
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THESE COMMENTS TO GATT SECRETARIAT. U.S. COMMENTS ON THE
DRAFT MINUTES OF THE OCTOBER MEETING WILL BE CABLED ASAP.

1. U.S. SUGGESTED CHANGES

.....IN REVISED INVENTORY

PAGE 5, LINE 12

ADD: "POSITION D" SUCH PRODUCTS ARE COVERED BY THE CODE, EVEN THOUGH IT IS OFTEN DIFFICULT TO DETERMINE A BASIS FOR FAIR VALUE COMPARISONS (COM.AD./30, PARA. 35)."

PAGE 6, BOTTOM OF PAGE

ADD: "POSITION D" WHERE SALES AT LESS THAN THE COST OF PRODUCTION HAVE BEEN MADE OVER AN EXTENDED PERIOD OF TIME AND IN SUBSTANTIAL QUANTITIES, AND ARE NOT AT PRICES PERMITTING RECOVERY OF ALL COSTS WITHIN A REASONABLE PERIOD OF TIME IN THE NORMAL COURSE OF TRADE, SUCH SALES SHOULD BE DISREGARDED (COM.AD./37, PARA. 42)."

PAGE 8, LINE 10

ADD: "POSITION C: IN DETERMINING THE QUESTION WHETHER A RELIABLE DOMESTIC PRICE EXISTS, THE AUTHORITIES MAY ALSO CONSIDER WHETHER THE ECONOMY OF THE EXPORTING COUNTRY IS STATE CONTROLLED TO AN EXTENT THAT SALES OR OFFERS OF SALES OF SUCH OR SIMILAR MERCHANDISE IN THAT COUNTRY OR TO THIRD COUNTRIES DO NOT PERMIT A DETERMINATION OF NORMAL VALUE ON THOSE BASES."

PAGE 11, LAST LINE

ADD: "THE NEW NATIONAL PROVISION PROVIDES THAT ADJUSTMENT FOR DIFFERENCES IN MERCHANDISE WILL BE MADE, CONSISTENT WITH DIFFERENCES IN THE COST OF MANUFACTURE, IF IT IS ESTABLISHED THAT ANY PRICE DIFFERENTIAL IS WHOLLY OR PARTLY DUE TO SUCH DIFFERENCES, BUT, WHEN APPROPRIATE, THE AUTHORITIES MAY ALSO CONSIDER THE EFFECT OF SUCH DIFFER-
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ENCES UPON THE MARKET VALUE OF THE MERCHANDISE."

PAGE 12, LINE 5

AMEND TO READ: "... PROVISIONS: SHORT-TERM FLUCTUA-
TIONS SHOULD BE DISREGARDED AND ..."

PAGE 15, LINE 2

DELETE: "TOO LAX".

PAGE 22, LINE 13

ADD: "(IV) A COMPLAINING MEMBER OF AN INDUSTRY CANNOT BE REQUIRED TO OBTAIN AND SUBMIT DETAILED BUSINESS DATA ON DOMESTIC COMPETITORS, AS THIS WOULD CREATE CONFLICT WITH ANTITRUST PROVISIONS IN EFFECT IN CERTAIN OF THE SIGNATORY COUNTRIES (DRAFT MINUTES, OCTOBER 1976 MEETING, PARA. 60)."

PAGE 23, LINE 10

ADD: "THE COUNTRY CONCERNED NOTED THAT ITS LEGISLATION

PROVIDED FOR A PRELIMINARY REFERRAL TO THE AUTHORITIES HAVING PRIMARY RESPONSIBILITY WITH RESPECT TO THE QUESTION OF INJURY, IN ANY CASE WHERE THERE EXISTED A SUBSTANTIAL DOUBT OF INJURY. THE QUESTION OF INJURY COULD THERE-

FORE BE LOOKED INTO TWICE BEFORE AN INITIATION TOOK PLACE, NOT ONCE AS IN MOST OTHER COUNTRIES, THUS PROVIDING AN EXTRA SAFEGUARD FOR EXPORTERS (COM.AD/37, PARA. 40)."

PAGE 24, LAST LINE

ADD: SAME AS PRECEDING ADDITION

PAGE 25, LINE 13 ET. SEQ.

AMEND TO READ:

"POSITION B: (I) IF THE THIRTY-DAY PERIOD FOR A SUMMARY INVESTIGATION IN ONE COUNTRY WERE SHORTENED, IT LIMITED OFFICIAL USE

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MIGHT CAUSE THE INITIATION OF A FULL-SCALE INVESTIGATION WITHOUT AN ADEQUATE SUMMARY INVESTIGATION (COM.AD./26 PARA. 84, COM. AD./37, PARA. 36);

"(II) IF THE SIX-MONTH PERIOD FOR A FULL-SCALE INVESTIGATION IN THE SAME COUNTRY WERE SHORTENED, IT MIGHT PREVENT AN INVESTIGATION FROM BEING PROPERLY CONDUCTED. LACK OF TIME MIGHT LIMIT THE OPPORTUNITIES FOR RESPONDENT FIRMS TO EXPRESS VIEWS OR TO SUBMIT APPROPRIATE INFORMATION (COM.AD./26, PARA. 86)."

PAGE 26, LINE 6

DELETE: "THIRTY DAYS"

PAGE 37, LAST LINE

ADD: TO POSITION B: "THE REOPENING OF AN INVESTIGATION DISCONTINUED ON THE BASIS OF PRICE ASSURANCES IS NOT THE INITIATION OF A NEW INVESTIGATION, BUT RATHER IS A CONTINUATION OF AN INTERRUPTED INVESTIGATION (COM.AD./26, PARA. 81)."

2. IN ADDITION TO THE ABOVE-NOTED TECHNICAL AMENDMENTS TO THE REVISED INVENTORY ON PROBLEMS AND ISSUES ARISING UNDER THE CODE, THE UNITED STATES BELIEVES THAT THE CURRENT TEXT OF THE INTERNATIONAL ANTI-DUMPING CODE IS DEFICIENT IN CERTAIN RESPECTS AND ANY CONSIDERATION FOR REVISING THE CODE SHOULD INCLUDE, AMONG OTHER THINGS, THE FOLLOWING POINTS:

1. ARTICLE 2(D) SHOULD SPECIFICALLY DEAL WITH THE PROBLEM OF DUMPING BY MULTINATIONAL ENTERPRISES.

2. ARTICLE 6 SHOULD MAKE MANDATORY THE PUBLICATION OF A PUBLIC NOTICE UPON INITIATION OF A FORMAL INVESTIGATION AND, ADMIT NO "SPECIAL REASONS" AGAINST PUBLICATION OF A PUBLIC NOTICE WHEN FINAL DECISIONS ARE MADE.

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3. ARTICLE 8 SHOULD BE QUALIFIED TO APPLY ONLY WHERE PERMITTED BY DOMESTIC LAW.

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4. ARTICLE 10 SHOULD PROVIDE FOR THE IMPOSITION OF PRO-

VISIONAL MEASURES FOR A SIX MONTH PERIOD.

5. ARTICLE 11(I) SHOULD PROVIDE FOR ASSESSMENT OF ANTI-DUMPING DUTIES RETROACTIVELY FOR THE PERIOD FOR WHICH PROVISIONAL MEASURES HAVE BEEN APPLIED, IN ALL INSTANCES WHERE THERE HAS BEEN A DETERMINATION OF INJURY OR A THREAT OF INJURY UNLESS THE EXISTENCE OF THE THREAT WAS PREDICATED UPON AN EVENT CERTAIN WHICH HAD NOT YET OCCURRED BY THE DATE OF THE THREAT OF INJURY DETERMINATION.

6. THE CODE SHOULD RECOGNIZE THAT INFORMAL MEASURES, NOT PROVIDED FOR BY THE CODE, MAY POSE ANTITRUST PROBLEMS FOR EXPORTING FIRMS IN CERTAIN MEMBER COUNTRIES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTIDUMPING LAW (TRADE), COMMITTEES
Control Number: n/a
Copy: SINGLE
Sent Date: 04-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: LPOTTS:JH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770003-0541
Format: TEL
From: STATE
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Original Handling Restrictions: n/a
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Original Previous Handling Restrictions: n/a
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Previous Handling Restrictions: n/a
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3665964
Secure: OPEN
Status: NATIVE
Subject: GATT ANTIDUMPING COMMITTEE -- U.S. COMMENTS ON REVISED INVENTORY SUMMARY: FOLLOWING ARE THE U.S. COMMENTS ON THE R
TAGS: ETRD, US, GATT
To: GENEVA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/28025ddd-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009